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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,868	10/31/2003	James W. Barnwell	87245.1660	9025

7590 03/29/2006

BAKER & HOSTETLER LLP  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
WASHINGTON, DC 20036

EXAMINER
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PHAM, MINH CHAU THI

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/697,868

Applicant(s)

BARNWELL, JAMES W.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6-9,12-15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-9,12-15 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Objections***

Claim 18 is objected to because of the following informalities: Claim 18 depends on cancelled "claim 16". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 6-9, 12-15 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Stuard (2,036,106).

Stuard teaches a separator (1) for removing liquids from a pressurized gaseous stream (page 1, left col., lines 8-17) comprising a filter element (see material inside chamber F) disposed in a body defining an inner chamber (F), a housing having the body disposed in an outer chamber (C), a drain device (23) having an orifice in the inner chamber (8) and the outer chamber (23) for draining the liquids from both the inner chamber and the outer chamber from the filter (page 1, left col., line 42 through right col., line 6). Stuard further teaches the drain device comprising a spring loaded valve (37, page 1, right col., line 42 through page 2, left col., line 38) to open or shut the orifice of the chambers due to the pressure variations (page 2, right col., lines 41 through page 3, left col., line 7). Stuard further teaches a method of filtering liquids from a pressurized gaseous stream comprising the steps of providing a filter element disposed in the inner chamber (F), housing the filter element in a housing and disposed therein an outer chamber (1)), draining liquids from both the inner and outer chambers

(C, E) from the filter through a drain device (23) through valves (37, 25) (see details of Fig.1).

***Response to Amendment***

Applicant's arguments filed on January 13, 2006 have been fully considered but they are not persuasive.

Applicant amends the claims to include a drain device comprising a spring loaded valve to open or shut the orifice of the inner chamber due to pressure variation, and argues that none of the cited references discloses such a feature. The Examiner now drops all the previous cited reference and newly introduces Stuard under the 102(b) rejection of claims 1-3, 6-9, 12-15 and 18-20 to show: A separator (1) for removing liquids from a pressurized gaseous stream (page 1, left col., lines 8-17) comprising a filter element (see material inside chamber F) disposed in a body defining an inner chamber (F), a housing having the body disposed in an outer chamber (C), a drain device (23) having an orifice in the inner chamber (8) and the outer chamber (23) for draining the liquids from both the inner chamber and the outer chamber from the filter (page 1, left col., line 42 through right col., line 6), as claimed. Stuard further teaches the drain device comprising a spring loaded valve (37, page 1, right col., line 42 through page 2, left col., line 38) to open or shut the orifice of the chambers due to the pressure variations (page 2, right col., lines 41 through page 3, left col., line 7). Stuard further teaches a method of filtering liquids from a pressurized gaseous stream comprising the steps of providing a filter element disposed in the inner chamber (F), housing the filter element in a housing and disposed therein an outer chamber (1)),

draining liquids from both the inner and outer chambers (C, E) from the filter through a drain device (23) through valves (37, 25) (see details of Fig.1), as claimed.

Applicant's arguments with respect to claims 1-3, 6-9, 12-15 and 18-20 have been thoroughly considered but are moot in view of the new ground(s) of rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Minh-Chau Pham**  
**Patent Examiner**  
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**March 23, 2006**